

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of:

**Majid Riaziat et al.**

**Serial No.:** Not Yet Assigned

**Filed:** August 27, 2001

**For:** Apparatus And System For Positioning A  
Patient

)  
) **Group Art Unit:** 3736

)  
) **Examiner:** Unknown



INFORMATION DISCLOSURE STATEMENT

Commissioner for Patents  
Washington, D.C. 20231

Sir:

In accordance with 37 CFR §§ 1.97 and 1.98, the items identified in this Information Disclosure Statement ("IDS") are brought to the attention of the Office. The items are listed on the attached form PTO-1449. A copy of each reference was submitted in the application relied upon for priority under 35 U.S.C. § 120.

The items identified in this IDS may or may not be "material" pursuant to 37 CFR § 1.56. The submission thereof by Applicant is not to be construed as an admission that any such patent, publication or other information referred to therein is material or considered to be material (37 CFR § 1.97(h)), or even qualifies as "prior art" under 35 USC § 102 with respect to this invention unless specifically designated by Applicant as such.

INFORMATION DISCLOSURE STATEMENT FILING PROVISION:

☒ This IDS is believed to be timely in that it is being submitted under 37 CFR § 1.97(b), that is (1) within three months of the filing date of the application, which is not a continued prosecution application filed under § 1.53(d); or (2) within three months of entry of the national stage as set forth in 37 CFR §

CERTIFICATE OF MAILING  
(37 C.F.R. §1.10)

I hereby certify that this paper (along with any referred to as being attached or enclosed) is being deposited with the United States Postal Service on the date shown below with sufficient postage as 'Express Mail Post Office To Addressee' in an envelope addressed to the Commissioner for Patents, Washington, D.C. 20231.

EL846342581US  
Express Mail Label No.

August 27, 2001  
Date of Deposit

Cindy McMorrow

Name of Person Mailing Paper

Signature of Person Mailing Paper

1.491; or (3) before the mailing of a first Office action on the merits; or (4) before the mailing of a first Office action after filing a request for continued examination under § 1.114. Thus, no fee is required.

- ☒ However, if the undersigned is in error in this regard, Applicant respectfully requests that the Office consider this IDS as filed under 37 CFR § 1.97(c), if applicable, and charge the fee due under 37 CFR § 1.17(p) to the deposit account referenced below.
- ☐ However, if the undersigned is in error in this regard, Applicant respectfully requests that the Office consider this IDS as filed under 37 CFR § 1.97(c), if applicable, and a statement under 37 CFR § 1.97(e) is included below, thus no fee is required.
- ☐ This IDS is being submitted under 37 CFR § 1.97(c), that is after mailing of a first Office action on the merits, but before a Final Action under 37 CFR § 1.113 or a Notice of Allowance under 37 CFR § 1.311.
- ☐ The fee due under 37 CFR § 1.17(p) is submitted herewith.
- ☐ A statement under 37 CFR § 1.97(e) is included below, thus no fee is required. In the event that this IDS is not received before a Final Action or a Notice of Allowance, then Applicant respectfully requests that the Office consider the filing of these papers to be submitted under 37 CFR § 1.97(d) and charge the fee due under 37 CFR § 1.17(p) to the deposit account below.
- ☐ This IDS is being submitted under 37 CFR § 1.97(d), that is after a Final Action under 37 CFR § 1.113 or a Notice of Allowance under 37 CFR § 1.311, but before payment of the issue fee. A statement under 37 CFR § 1.97(e) is included below. The fee due under 37 CFR § 1.17(p) is submitted herewith.

**STATEMENT UNDER 37 CFR § 1.97(e):**

- ☐ Each item contained in this IDS was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this IDS.
- ☐ No item contained in this IDS was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the person signing this statement after making reasonable inquiry, no item of information contained in this IDS was known to any individual designated in 37 CFR § 1.56(c) more than three months prior to the filing of this IDS.

**PAYMENT AND/OR AUTHORIZATION TO CHARGE FEES:**


- ☐ A check in the amount of \_\_\_\_\_ is enclosed for the above fee(s).
- ☐ Please charge \_\_\_\_\_ to Deposit Account No. **12-2475** for the above fee(s).

The Commissioner is authorized to charge any fees required by the filing of these papers, and to credit any overpayment to Lyon & Lyon's Deposit Account No. **12-2475**.

Respectfully submitted,  
LYON & LYON LLP

Dated: 08/27/2001

By: \_\_\_\_\_

  
Peter C. Mei  
Reg. No. 39,768



**22249**

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LIST OF PATENTS AND OTHER ITEMS FOR APPLICANT'S  
INFORMATION DISCLOSURE STATEMENTAPPLICANT:  
Majid Riazat et al.FILING DATE:  
August 27, 2001GROUP:  
3736

(Use several sheets if necessary)

1102 U.S. PTO  
09/940679  
08/27/01

## U.S. PATENT DOCUMENTS

EXAMINER INITIAL		DOCUMENT NUMBER	DATE	NAME	CLASS	SUB CLASS	FILING DATE
	AA	3,861,807	01/21/75	Lescrenier	356	152	08/17/72
	AB	4,262,306	04/14/81	Renner	358	93	11/21/79
	AC	4,463,425	07/31/84	Hirano et al.	364	417	07/07/81
	AD	5,080,100	01/14/92	Trotel	128	653.1	10/03/89
	AE	5,295,483	03/22/94	Nowacki et al.	128	660.03	10/11/91
	AF	5,279,309	01/18/94	Taylor et al.	128	782	07/27/92
	AG	5,315,630	05/24/94	Sturm et al.	378	65	03/10/93
	AH	5,394,875	03/07/95	Lewis et al.	128	660.09	10/21/93
	AI	5,446,548	08/29/95	Gerig et al.	356	375	10/08/93
	AJ	5,538,494	07/23/96	Matsuda	600	1	03/17/95
	AK	5,662,111	09/02/97	Cosman	128	653.1	05/16/95
	AL	5,727,554	03/17/98	Kalend et al.	128	653.1	09/19/96

## FOREIGN PATENT DOCUMENTS

EXAMINER INITIAL		DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUB CLASS	TRANSLATION YES NO
	AM	WO98/16151	23.04.98	PCT	A61B	5/0205	X
	AN	WO98/38908	11.09.98	PCT	A61B	5/00	X
	AO	DE 43 41 324 A1	08.06.95	Germany	A61B	17/22	X

## OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, etc.)

	AP	Preliminary Sales Brochure entitled "Kinematic Measurement Systems" by Qualisys printed April 4, 1994.
	AQ	Gerig et al.; "The Development and Clinical Application Of A Patient Position Monitoring System" published in <i>SPIE</i> ; Vol. 2350; Videometrics III (1994); pp. 59-72.
	AR	Baroni, Guido et al.; "Real-Time Motion Analysis For Definition And Control Of Patient Position In Radiotherapy"; published in <i>SPIE</i> in 1996; Vol. 2709; pp. 506-515.
	AS	Kubo, Hideo D., et al.; "Respiration Gated Radiotherapy Treatment: A Technical Study"; <i>Phys. Med. Biol.</i> ; January 1996; Bristol, Great Britain; No. 1, pp. 83-91.

EXAMINER:  
Unknown

DATE CONSIDERED:

EXAMINER: Initial if reference is considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include a copy of this form with next communication to applicant